

Notice of Allowability

Application No.

10/653,825

Examiner

Sheela C. Chawan

Applicant(s)

WONG ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 17, 2007.
2. ☒ The allowed claim(s) is/are 1, 5- 23, Renumbered as 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) 5/14/07, 11/17/06
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 4/7/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on August 17, 2007 has been entered.
Claims 2-4 are canceled.
Claims 1, 5-23 are pending in the application.

Response to Arguments

2. Applicant's arguments filed on August 17, 2007 have been fully considered and are persuasive see remarks on page 6-11 with respect to claims 1, 5-23 under 102(b) rejection and means plus function 35 U.S.C. 112(6) rejection are withdrawn and all the pending claims 1,5-23 are allowed.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 4/7/05, the examiner considered.

Drawings

4. The Examiner has approved drawings filed on 9/3/03.

Reasons For Allowance

5. The following is an examiner's statement of reasons for allowance:
Claims 1 5-23 are allowed and Renumbered as 1-20.

Applicant's arguments, (see page 6 -11, of the remarks filed on August 17, 2007). The prior art of record Stone et al., (US. 4,593,406) disclose a system for ascertaining the center of an object whose shape and approximate location are known, and does not disclose an inspection system. While stone does disclose a dove prism 84

image rotator, that dove prism 84 is not a rotating prism having a first end and a second end, where the first end receives a first image area and rotates about a center point so as to cover a field of view area that is larger than the first image area, and the second end remains centered on the center point and provides the first image to a view area that has constant dimensions. Instead, dove prism 84 is used to increase the effective rate of rotation of servo system 64. While dove prism 84 can be rotated by servo system 62, it is rotated around the center of servo system 62, such that both of the first end and second end of dove prism 84 are rotated around a center point of mounting table 82. As such, dove prism 84 does not have a first end that receives a first image area and rotates about a center point so as to cover a field of view area that is larger than the first image area, and a second end that remains centered on the center point and provides the first image to a view area that has constant dimensions. It is the servo system 64 that rotates specimen holder 78, and angle alpha associated with dove prism 84 is related by a fixed ratio to the rotation angle phi caused by the rotation of servo system 64. Dove prism 84 remains stationary relative to the axis of rotation of servo system 64, unless it is moved in the direction of angle theta by servo system 62, or in the direction R by servo system 60, neither of which rotate a first end of dove prism 84 about a center point while keeping a second end of dove prism 84 centered on a center point. Stone fails to disclose "an image data system disposed at the second end of the rotating prism, the image data system generating image data as the prism rotates so as to generate two or more sets of image data from the field of view area", as commonly included in each of the independent claim 1, 12, and 16, the prior art of record fails to

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teach either singularly or in combination, fails to anticipate or render the above limitations obvious.

6. Any comments considered necessary by applicant must be submitted on later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.


Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
Sept 21, 2007


SHEELA CHAWAN
PRIMARY EXAMINER